

MAR. 5. 2007 2:06PM

JACOBSON HOLMAN PLLC

RECEIVED  
CENTRAL FAX CENTER

MAR 05 2007

NO. 720 P. 3

Attorney Docket No. P66087US2

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Dietrich Hafner

Application No.: 10/825,121

Art Unit: 1616

Filed: April 16, 2004

Examiner: Sharmila S. Gollamudi

For COMPOSITIONS COMPRISING PHENYLAMINOTHIOPHENACETIC ACID  
DERIVATIVES FOR THE TREATMENT OF ACUTE OR ADULT RESPIRATORY  
DISTRESS SYNDROME (ARDS) AND INFANT RESPIRATORY DISTRESS  
SYNDROME (IRDS)

TERMINAL DISCLAIMER

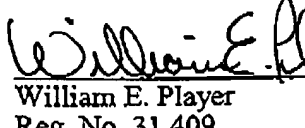
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Altana Pharma AG, a corporation of Germany, the exclusive owner of the entire right, title, and interest in the subject patent application, by virtue of an assignment document recorded at Reel/Frame 13128/431-437, hereby disclaims the terminal part of any patent granted on the above identified application that would extend beyond the expiration date of the full statutory term as defined in 35 USC §§ 154-156 and 173 of U.S. Pat. No. 6,858,223 ("the prior patent") not shortened by terminal disclaimer, and hereby agrees that any patent granted on the above identified application shall be enforceable only for and during such period that such patent is commonly owned with the prior patent, which agreement is to be binding upon the grantee, its successor or assigns; but, does not disclaim any terminal part of any patent granted on the subject patent application prior to the expiration date of the full statutory term of the prior patent if it expires for failure to pay a maintenance fee, is held unenforceable or is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole, has all claims canceled by reexamination certificate, is reissued, or is otherwise terminated prior to the expiration of its full statutory term.

The requisite fee of \$130.00 was previously submitted.

JACOBSON HOLMAN PLLC  
400 Seventh Street, N.W.  
The Jenifer Building  
Washington, D.C. 20004  
Tel.: (202) 638-6666  
Fax: 202-393-5350  
Date: March 5, 2007  
WEP:jhr  
P66087US2 terminal disclaimer(creat).wpd

Respectfully submitted,  
By:   
William E. Player  
Reg. No. 31,409  
Attorney of Record

03/06/2007 11:01:11 00000004 061358 10025121  
01 FC:1014 130.00 DA